

REMARKS

Claims 1-49 are pending in the application. Claims 23-49 are withdrawn from further consideration as being directed to a non-elected invention. In the Office Action of October 16, 2003, the Examiner made the following disposition:

- A.) Rejected claim 3 under 35 U.S.C. 112, second paragraph.
- B.) Rejected claims 17-22 under 35 U.S.C. §112, second paragraph.
- C.) Allowed claims 1-2 and 4-16.

Applicant addresses the Examiner's disposition as follows:

A.) Rejection of claim 3 under 35 U.S.C. 112, second paragraph:

Regarding the term "natural polypropylene": Applicant respectfully submits the term "natural polypropylene" is a term of art that is known to one having skill in the art. Specifically, the term "natural polypropylene" is known to one having skill in the art to mean non-pigmented polypropylene. Accordingly, Applicant respectfully submits that use of the term "natural polypropylene," in claim 3, is understandable to one having skill in the art and does not require amendment of that term in claim 3.

Regarding the term "reground bottle scrap": Claim 3 has been amended as per the Examiner's request to overcome the rejection. Specifically, the term has been amended to claim "a reground material of a previously made container."

Regarding the term "reground trim scrap": Claim 3 has been amended as per the Examiner's request to overcome the rejection. Specifically, the term has been amended to claim "a reground material of excess material trimmed from a previously made container..

Further, as Applicant remarked in the Amendment "B" filed on October 2, 2003, as is known in the art, reground trim scrap includes the excess plastic material that is trimmed from the neck, shoulder, handle(s), sides, and/or base as they are manufactured. Further, as is known in the art, reground bottle scrap includes previously-made containers that needed to be reground due to a defect that was detected. The reground trim or bottle scrap includes all the materials present in the container, that is, all the layers of the container, in proportional amounts of each material.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 17-22 under 35 U.S.C. §112, second paragraph:

Applicant respectfully disagrees with the rejection.

It appears that the Examiner interprets the term "formed on" to mean "formed directly on." Applicant respectfully disagrees with the Examiner's interpretation of that term, and believes that the Examiner's interpretation is overly restrictive. Applicant respectfully submits that the term "formed on" does not require something to be formed directly on something else.

As described at numerous locations in Applicant's specification, Applicant discloses various embodiments, wherein some of the embodiments teach intervening layers disposed between a polypropylene layer and a polyethylene layer. Applicant submits that the subject matter of claim 1 is not limited to the second layer being formed directly on the first layer. Accordingly, additional layers can be formed between the first and second layers, as disclosed in Applicant's specification.

Accordingly, Applicant respectfully submits that claims 17-22 do not require amendment.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Allowance of claims 1-2 and 4-16:

Applicant respectfully acknowledges the Examiner's finding of allowable subject matter in claims 1-2 and 4-16.

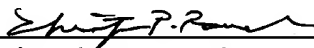
However, it appears that the Examiner interprets the term "formed on" to mean "formed directly on" in claim 1. Applicant respectfully disagrees with the Examiner's interpretation of that term, and believes that the Examiner's interpretation is overly restrictive. Applicant respectfully submits that the term "formed on" does not require something to be formed directly on something else.

As described at numerous locations in Applicant's specification, Applicant discloses various embodiments, wherein some of the embodiments teach intervening layers disposed between a polypropylene layer and a polyethylene layer. Applicant submits that the subject matter of claim 1 is not limited to the second layer being formed directly on the first layer. Accordingly, additional layers can be formed between the first and second layers, as disclosed in Applicant's specification.

CONCLUSION


In view of the foregoing, it is submitted that claims 1-22 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 16, 2004.

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